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NOTICE OF ALLOWANCE AND FEE(S) DUE

27189

7590

02/19/2010

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 02/19/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,909	03/30/2004	J. Peter Hoddie	113748-4996US	2889

TITLE OF INVENTION: INTERFACE NEGOTIATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/19/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27189 7590 02/19/2010

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/19/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
WENDELL, ANDREW	2618	455-557000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 459 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 459 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/814,909

Examiner

ANDREW WENDELL

Applicant(s)

HODDIE, J. PETER

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/13/2009.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7,8,10-15,17-20 and 22-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: Regarding claim 1, the prior art of record, Kotzin (US Pat Pub# 2004/0204076) teaches a wireless interface 103 (Fig. 1) configured to provide short range and low power interface (Bluetooth, Sections 0014 and 0031) for supporting communication across a wireless connection 109 and 111 (Fig. 1); a first communication interface for providing a medium range wireless interface (Section 0012-0013); a second communication interface for providing a wired interface ("wired interface" to PSTN, Section 0012-0013); and a controller 207 (Fig. 2) connected to the wireless interface 203 and 209 (Fig. 2), the controller supporting the negotiation service and a communication service (Section 0019); wherein the negotiation service provides interface negotiation for using the wireless interface to negotiate with another device to select an appropriate communication interface for communication of data with the another device (Sections 0019-0021), and wherein the communication service provides control and management of communication with the another device across a connection established using the negotiation service (Sections 0019-0021); and wherein a first connection opened using the negotiation service and the wireless interface is kept open while a second connection opened using the communication service and one of the first communication interface and the second communication interface is open (Section 0017).

Bahl (US Pat Pub# 2004/0204071) teaches an interface for providing a medium range wireless interface (Wi-Fi, Fig. 3); an interface for communication of data with

another device (wireless data session, Section 0013) and wherein the first communication interface is separate interface from the wireless interface used for interface negotiation (Sections 0011-0014); and a second communication interface, wherein a first connection opened using the negotiation service and the wireless interface is kept open while a second connection opened using the communication service and one of the first communication interface and the second communication interface is open (Sections 0014 and 0048-0049).

Reddy (US Pat Pub# 2004/0127214) teaches a wireless interface configured to provide short range and low power interface (WLAN, no clear limits to what is considered short range and low power therefore a WLAN can be considered short range and low power) for supporting communication across a wireless connection used for a negotiation service to select a communication interface (Sections 0020-0021 and 0042), wherein negotiation service selects one of: the first communication interface for direct communication between the wireless device (Sections 0020-0021 and 0042) and the another device, and the second communication interface for indirect communication through a network (Sections 0020-0021 and 0042).

Even though the prior art teaches the limitations, the examiner does not believe that one skilled in the art would be motivated to combine Kotzin, Bahl, and Reddy. Further, applicant's remarks filed on 3/13/2009 state additional reasons for allowance.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 1-2, 4-5, 7-8, 10-15, 17-18, and 34-38.

Regarding claim 19, Kotzin teaches configuring a default wireless interface as short range and low-power interface (Bluetooth, Sections 0014 and 0031); searching for a second device using the default wireless interface of a first device (Sections 0019-0021); establishing a negotiation connection between the first device and the second device using the default wireless interface (Sections 0019-0021); negotiating to select an appropriate communication interface for communicating data between the first device and the second device using the negotiation connection (Sections 0019-0021); establishing a communication connection using the selected interface (Sections 0019-0021); communicating data between the first device and the second device using the communication connection (Sections 0019-0021), wherein the negotiation connection is open while the communication connection is open, and information on the negotiation connection is used to determine when to close the communication connection (Section 0017); and closing the communication connection 427 (Fig. 4) when the determination is made.

Bahl teaches an interface for communication of data with another device (wireless data session, Section 0013), wherein the communication interface is separate interface from the default interface used for interface negotiation (Sections 0011-0014), and wherein the negotiation connection is open while the communication connection is open (Sections 0014 and 0048-0049), and information on the negotiation connection is used to determine when to close the communication connection (Sections 0014 and 0048-0049); and closing the communication connection when the determination is made (Sections 0014 and 0048-0049).

Reddy teaches wherein the short range and lower power interface provides reliable signal and reduced power consumption (WLAN, no clear limits to what is considered short range and low power therefore a WLAN can be considered short range and low power) for the negotiation connection (Sections 0020-0021 and 0042); selecting an appropriate communication interface includes selecting one of: the first communication interface for direct communication between the wireless device (Sections 0020-0021 and 0042) and the another device, and the second communication interface for indirect communication through a network (Sections 0020-0021 and 0042).

Even though the prior art teaches the limitations, the examiner does not believe that one skilled in the art would be motivated to combine Kotzin, Bahl, and Reddy. Further, applicant's remarks filed on 3/13/2009 state additional reasons for allowance.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 19-20 and 22-28.

Regarding claim 29, Kotzin teaches means for configuring a default wireless interface as short range and low-power interface (Bluetooth, Sections 0014 and 0031); means searching for a second device using a default wireless interface of a first device (Sections 0019-0021); means for establishing a negotiation connection between the first device and the second device using the default wireless interface (Sections 0019-0021); means for negotiating to select an appropriate communication interface for communicating data between the first device and the second device using the negotiation connection (Sections 0019-0021); establishing a communication connection using the selected interface (Sections 0019-0021); means for communicating data

between the first device and the second device using the communication connection (Sections 0019-0021), wherein the negotiation connection is open while the communication connection is open, and information on the negotiation connection is used to determine when to close the communication connection (Section 0017); and means for closing the communication connection 427 (Fig. 4) when the determination is made.

Bahl teaches an interface for communication of data with another device (wireless data session, Section 0013), wherein the communication interface is separate interface from the default interface used for interface negotiation (Sections 0011-0014), and wherein the negotiation connection is open while the communication connection is open (Sections 0014 and 0048-0049), and information on the negotiation connection is used to determine when to close the communication connection (Sections 0014 and 0048-0049); and means for closing the communication connection when the determination is made (Sections 0014 and 0048-0049).

Reddy teaches wherein the short range and low power interface provides reliable signal and reduced power consumption (WLAN, no clear limits to what is considered short range and low power therefore a WLAN can be considered short range and low power) for the negotiation connection (Sections 0020-0021 and 0042); selecting an appropriate communication interface includes selecting one of: the first communication interface for direct communication between the wireless device (Sections 0020-0021 and 0042) and the another device, and the second communication interface for indirect communication through a network (Sections 0020-0021 and 0042).

Even though the prior art teaches the limitations, the examiner does not believe that one skilled in the art would be motivated to combine Kotzin, Bahl, and Reddy. Further, applicant's remarks filed on 3/13/2009 state additional reasons for allowance.

The prior art of record fails to teach the claimed subject matter as claimed and substantially connected in claims 29-32.

Regarding claim 33, Kotzin teaches configure a default wireless interface as short range and low-power interface (Bluetooth, Sections 0014 and 0031); search for a second device using a default wireless interface of a first device (Sections 0019-0021); establish a negotiation connection between the first device and the second device using the default wireless interface (Sections 0019-0021); negotiate to select an appropriate communication interface for communicating data between the first device and the second device using the negotiation connection (Sections 0019-0021); establish a communication connection using the selected interface (Sections 0019-0021); communicate data between the first device and the second device using the communication connection (Sections 0019-0021), wherein the negotiation connection is open while the communication connection is open, and information on the negotiation connection is used to determine when to close the communication connection (Section 0017); and close the communication connection 427 (Fig. 4) when the determination is made.

Bahl teaches an interface for communication of data with another device (wireless data session, Section 0013), wherein the communication interface is separate interface from the default interface used for interface negotiation (Sections 0011-0014),

and wherein the negotiation connection is open while the communication connection is open (Sections 0014 and 0048-0049), and information on the negotiation connection is used to determine when to close the communication connection (Sections 0014 and 0048-0049); and close the communication connection when the determination is made (Sections 0014 and 0048-0049).

Reddy teaches wherein the short range and low power interface provides reliable signal and reduced power consumption (WLAN, no clear limits to what is considered short range and low power therefore a WLAN can be considered short range and low power) for the negotiation connection (Sections 0020-0021 and 0042); selecting an appropriate communication interface includes selecting one of: the first communication interface for direct communication between the wireless device (Sections 0020-0021 and 0042) and the another device, and the second communication interface for indirect communication through a network (Sections 0020-0021 and 0042).

Even though the prior art teaches the limitations, the examiner does not believe that one skilled in the art would be motivated to combine Kotzin, Bahl, and Reddy. Further, applicant's remarks filed on 3/13/2009 state additional reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robbins discloses an extension of a local area phone system to a wide area network. Scott discloses a system for connect message synchronization of modems in a cellular data gateway. Raff discloses a communication device comprising user profiles matching between compatible devices. Hussmann discloses Blue-Tooth assisted wireless local area network home network systems. Glass discloses a multi-dimensional graphical display of discovered wireless devices. Tanaka discloses a wireless communication system for facilitating wireless communication. Shahindoust discloses a wireless wide area network printing. Yukie discloses an enhanced mobility wireless local loop phone. Michel discloses a device for wireless controlled access to telematic and voice services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 8:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618

/Andrew Wendell/
Examiner, Art Unit 2618

2/9/2010